

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 00-6022-CIV-LENARD/TURNOFF

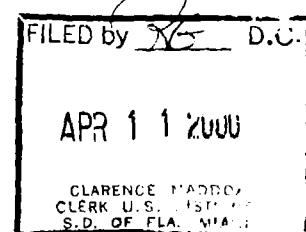
**HENRY NARANJO and MARLENE
RAMIREZ,**

Plaintiff(s),

vs.

STEPHEN BYRON SMITH,

Defendant(s).



**ORDER OF REFERRAL TO MEDIATION
AND DIRECTING PLAINTIFF'S COUNSEL TO SUBMIT PROPOSED
ORDER SCHEDULING MEDIATION**

Trial having been set in this matter under separate order of the Court, and pursuant to Federal Rule of Civil Procedure 16(c)(9) and Southern District of Florida Local Rule 16.2, it is hereby

ORDERED as follows:

1. All parties are required to participate in mediation. The mediation shall be completed no later than **October 11, 2001**. The parties are encouraged to schedule mediation earlier than this date, for example as soon as the key discovery is completed, to avoid incurring unnecessary costs and fees.
2. Plaintiff's counsel, or another attorney agreed upon by all counsel of record and any unrepresented parties, shall be responsible for scheduling the mediation conference. The parties shall agree upon a mediator within 15 days from the date of this Order. If there is no agreement, lead counsel shall notify the Clerk, in pleading form, within 15 days from the date of this Order and the

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Clerk shall designate a mediator from the List of Certified Mediators, based on a blind rotation.

3. A place, date, and time for mediation convenient to the mediator, counsel of record, and unrepresented parties shall be established. **Plaintiff's counsel shall complete the form order attached and submit it to the Court within 15 days from the date of this Order.**

4. Except as provided under Southern District of Florida Local Rule 16.2(E) for public-sector entities, the appearance of counsel and each party or representatives of each party with full authority to enter into a full and complete compromise and settlement is mandatory. Appearance shall be in person; telephonic appearance is prohibited. If insurance is involved, an adjustor with authority up to the policy limits or the most recent demand, whichever is lower, shall attend.

5. All discussions, representations and statements made at the mediation conference shall be confidential and privileged.

6. At least ten days prior to the mediation date, all parties shall present to the mediator a brief written summary of the case identifying issues to be resolved. Copies of these summaries shall be served on all other parties.

7. The Court may impose sanctions against parties and/or counsel who do not comply with the attendance or settlement authority requirements herein or who otherwise violate the terms of this Order. The mediator shall report non-attendance and may recommend imposition of sanctions by the Court for non-attendance.

8. The mediator shall be compensated in accordance with the standing Order of the Court entered pursuant to Rule 16.2(B)(6), or on such basis as may be agreed to in writing by the

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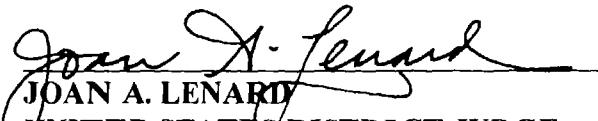
parties and the mediator selected by the parties. The cost of mediation shall be shared equally by the parties unless otherwise ordered by the Court. All payments shall be remitted to the mediator within 30 days of the date of the bill. Notice to the mediator of cancellation or settlement prior to the scheduled mediation conference must be given at least two (2) full business days in advance. Failure to do so will result in imposition of a fee for one hour.

9. If a full or partial settlement is reached in this case, counsel shall promptly notify the Court of the settlement in accordance with Southern District of Florida Local Rule 16.2.(f), by the filing of a notice of settlement signed by counsel of record within 10 days of the mediation conference. Thereafter the parties shall forthwith submit an appropriate pleading concluding the case. The case will remain on the trial calendar until an order dismissing the action is entered by the Court.

10. Within five (5) days following the mediation conference, the mediator shall file a Mediation Report indicating whether all required parties were present. The report shall also indicate whether the case settled (in full or in part), was continued with the consent of the parties, or whether the mediator declared an impasse.

11. If mediation is not conducted, the case may be stricken from the trial calendar, the pleadings may be stricken and default entered and/or other sanctions imposed.

DONE AND ORDERED in Chambers at Miami, Florida this 11 day of April, 2000.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE

Case No. 00-6022-CIV-LENARD/TURNOFF

Copies furnished to:

Magistrate Judge William C. Turnoff

F. David Underwood, Esq.
Underwood, Karcher & Karcher, P.A.
9th Floor, Grove plaza Building
2900 SW 28th Terrace
Miami, FL 33133

Manuel Valdes, Esq.
Law Offices of John W. Burke, P.A.
Suite 330, Ocean Bank Building
782 NW 42nd Avenue
Miami, LF 33126

John D. Kallen, Esq.
Badiak, Will & Kallen
17071 West Dixie Highway
North Miami Beach, FL

Shawn B. McKamey, Esq.
Billing, Cochran, Heath, et al.
888 SE 3rd Avenue, Suite 301
Ft. Lauderdale, FL 33316

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**HENRY NARANJO and MARLENE
RAMIREZ,**

Plaintiff(s),

vs.

STEPHEN BYRON SMITH,

Defendant(s).

ORDER SCHEDULING MEDIATION

The mediation conference in this matter shall be held with _____
_____, on _____, 2000, at _____.m., at
_____, Florida.

Within five (5) days following the mediation conference, the mediator shall file a Mediation Report indicating whether all required parties were present. The report shall also indicate whether the case settled (in full or in part), was continued with the consent of the parties, or whether the mediator declared an impasse.

DONE AND ORDERED at Miami, Florida, this ____ day of _____, 2000.

**JOAN A. LENARD
UNITED STATES DISTRICT JUDGE**

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